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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/520,808	07/14/2005	Erik Berglund	P19238US1	9930
27045	7590	09/07/2007		
ERICSSON INC. 6300 LEGACY DRIVE M/S EVR 1-C-11 PLANO, TX 75024			EXAMINER KIM, TAE K	
			ART UNIT 2109	PAPER NUMBER
			MAIL DATE 09/07/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/520,808

Applicant(s)

BERGLUND ET AL.

Examiner

Tae K. Kim

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 July 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) 1-10 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 11-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 January 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 01/10/2005; 03/07/2007.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

This is in response to the application filed on January 10, 2005 where Claims 1 – 20, are presented. Claims 1 – 10 have been cancelled and Claims 11 and 16 are in independent form and presented for examination.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 11 – 20 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent 7,024,205 B1, invented by David Hose (hereinafter referenced as “Hose”).

1. Regarding Claims 11 and 16, Hose, discloses a system, method, and apparatus (Abstract; Col. 4, Lines 40-43) for media distribution in a physical area (Col. 1, Lines 59-67) comprising of at least one uniquely identifiable tangible first type tag, which can be carried around said physical area by a visiting user (Col. 2, Lines 14-29; Col. 5, Lines 28-32; Col. 7, Lines 1-3, 22-26; Col. 8, Lines 56-62; subscriber information such as account numbers, credit card numbers, user preferences, subscriber identifier, service provider identifier, service type identifier, etc. can be transmitted with the service request through the mobile phone). Hose further discloses that the system, method,

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and apparatus also includes at least one uniquely identifiable tangible second type tag, identifying a media access point in said physical area (Col. 2, Line 46 – Col. 3, Line 15; location of the wireless device is based on location finding equipment inputs and will determine the availability of certain services depending on the wireless device's location and output the selected service information via a mobile switching center; see also, Col. 4, Lines 56-64; the network is divided into a number of service areas or cells and each cell has site equipment for receiving RF signals from wireless phones), an administrative system (Fig. 3; Col. 5, Lines 10-12, 45-49, 56-66; Col. 6, Lines 12-16; platform gathers data regarding the location of the wireless device, the services available within that location, and the preferences of the user to provide a list of corresponding choices to the user-specified service), communication means (Fig. 1; Col. 2, Line 46 – Col. 3, Line 15; location of the wireless device will determine the availability of certain services and the output of the selected service information is provided via a mobile switching center and corresponding data network structure), and at least one of said tangible first and second type tags has means for identifying combinations of tangible first and second type tags brought into close proximity of each other and communicate information relating to these tangible tags to the administrative system (Figs. 1 and 3; Col. 5, Lines 10-12, 45-49, 56-66; Col. 6, Lines 12-16; platform gathers data regarding the location of the wireless device, the services available within that location, and the preferences of the user to provide a list of corresponding choices to the user-specified service). Additionally, Hose discloses of an administrative system being arranged to respond to this information through distributing to communication

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means associated with either of these tangible tags media determined by the received information (Col. 6, Lines 45-53; the mobile switching center (MSC) transmits the service request to the intelligent network application, where the application responds and prompts the MSC to establish a communication channel between the phone and data server and this connection is used to provide the specified services).

2. Regarding Claims 12 and 17, Hose discloses all the limitations of Claims 11 and 16 as stated above. Hose further discloses the inclusion of an event manager associated with the administrative system, where computer-readable events are embedded in the information identifying the tangible tags brought into close proximity of each other and communicated to the administrative system (Col. 8, Lines 50-62; billing program that calculates fees based on usage, e.g., number of uses, duration of uses, type of uses, etc., service requests, or the location of the transaction along with subscriber identification, service provider identification, service type identification, etc. to generate appropriate billing record for the subscriber's use).

3. Regarding Claims 13 and 18, Hose discloses all the limitations of Claims 11 and 16 above. Hose further discloses that the administrative system is integrated in a communication means associated with a tangible first type tag (Col. 6, Lines 55-64; depending on subscriber's service request and preferences, the service provider may have a direct voice and/or data link with the data server or the MSC).

4. Regarding Claims 14 and 19, Hose discloses all the limitations of Claims 11 and 16 above. Hose further discloses that the tangible first type tag comprises of means for determining the identify of the user (Col. 2, Lines 14-29; Col. 5, Lines 28-32; Col. 7,

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Lines 1-3, 22-26; subscriber information such as account numbers, credit card numbers, user preferences, etc. can be stored in the phone and transmitted along with the service request).

5. Regarding Claims 15 and 20, Hose discloses all the limitations of Claims 11 and 16 above. Hose further discloses that the administrative system comprises of means for collecting and compiling statistics of a user session (Col. 6, Lines 34-40 – call start and stop signals for billing applications; Col. 8, Lines 52-61 – billing parameters include subscriber identifier, service provider identifier, service type identifier, etc.).

Additional References

Additional references that are relevant to the pending application and not cited:

U.S. Appl. 2003/0023726 A1 – system and method for managing distribution of location information generated for wireless communication devices and providing a control system configurable to limit access based on subscriber privacy preferences;

U.S. Appl. 2002/0165910 A1 – system, method, and program for providing user location information with a personal information manager program for wireless devices;

U.S. Appl. 2001/0054111 A1 – system and method for providing information services using a bar code at a wireless terminal, including user authentication, by accessing the internet;

U.S. Appl. 2002/0035637 A1 – portable and wireless data terminal with an integrated code reader used to obtain information

Contacts

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tae K. Kim, whose telephone number is (571) 270-1979. The examiner can normally be reached on Monday - Friday (8:00 AM - 5:00 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Frantz Coby, can be reached on (571) 272-4017. The fax phone number for submitting all Official communications is (703) 872-9306. The fax phone number for submitting informal communications such as drafts, proposed amendments, etc., may be faxed directly to the examiner at (571) 270-2979.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at (866) 217-9197 (toll-free).

TKK

8/30/2007


FRANTZ COBY
SUPERVISORY PATENT EXAMINER